

REMARKS

Reconsideration of the rejections set forth in the final Office Action of December 28, 2007, is respectfully requested in view of the amendments and remarks herein.

Generic claim 6 has been amended to recite the polymer constitution of the film coating the substrate in accordance with page 8, lines 27-28 of the application. Thus, the biosensor of claim 6 comprises a substrate coated with a film selected from the group consisting of polystyrene, polyethylene, polypropylene, polyethylene terephthalate, polyvinyl chloride, polymethyl methacrylate, polyester and nylon having the defined swelling degree in pure water. Further, Applicant has added a new claim 41 setting forth the preferred coating thickness of the film in accordance with page 13, lines 3-5 of the specification. Claims 7 and 9 have been canceled. Entry and allowance are respectfully requested in view of these amendments.

With respect to the final Office Action and amendments to the claims, the rejections remaining for consideration are the paragraph 13 rejection in which claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al; the paragraph 47 rejection in which claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al, and the paragraph 48 rejection in which claims 10 and 11 are rejected under 35 U.S.C. 103(a) over Allen et al in view of Wagner et al.

Claim 6 is clearly novel over Allen et al in view of the recitation in now amended claim 6 of the listed polymer films. Allen et al is directed to the use of acrylic copolymer films, which type of film is not recited in claim 6. Thus, since Allen et al does not disclose each and every

feature of amended claim 6, claim 6 is novel over Allen et al. The rejection of paragraph 13 of the Office Action should be reconsidered and withdrawn.

Claim 8 is unobvious over Allen et al because Allen et al does not teach nor suggest a biosensor comprising a substrate coated with a film selected from those now set forth in amended claim 6. The reference is limited to acrylic copolymer films, which do not relate to or in any fashion suggest the use in biosensors of the polymer films recited in amended claim 6, upon which claim 8 depends. Thus, the rejection of paragraph 47 of the Office Action should be reconsidered and withdrawn.

Turning to the remaining rejection of paragraph 48 of the Office Action, as set forth in the comments on the continuation sheet of the Advisory Action herein, Wagner et al is cited with respect to a biosensor substrate coated with a variety of metals as in claims 10 and 11. Applicant respectfully submits that dependent claims 10 and 11 are allowable for the reasons why claims 6 and 8 are allowable. Claims 10 and 11 depend upon claim 6, directly or ultimately, and are allowable because of the recitation of the specific polymer films of claim 6. Applicant does not base patentability of claims 10 and 11 on the presence of the metal layer alone. Reconsideration and withdrawal of the rejection of paragraph 48 of the Office Action are respectfully requested.

In view of the above, reconsideration and allowance are now believed to be in order, and are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the listed telephone number.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/779,854

Attorney Docket No.: Q79759

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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